

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MISTY ANDERSON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-05341 RBL JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 22.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and REVERSE and REMAND this matter for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Following remand, the Administrative Law Judge shall conduct a *de novo* hearing and:

- (1) update the evidence; (2) evaluate further the severity of all medically determinable mental impairments utilizing the special technique; (3) evaluate expressly the examining and non-examining medical source opinions and provide rationale for the weight given to the opinion evidence; (4) evaluate third party statements and assign weight to the opinion evidence; (5) consider further plaintiff's maximum residual functional capacity, citing specific evidence in support of the assessed limitations; and (6) as appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

Following proper application, the parties agree that plaintiff shall be entitled to attorneys' fees pursuant to the Equal Access to Justice Act, 24 U.S.C. § 2412 *et seq.*

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Report and Recommendation.

Dated this 6th day of October, 2014.



J. Richard Creatura
United States Magistrate Judge